

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sweeney, Patrick J.
Title: MODULAR CANNULATED TOTAL JOINT PROSTHESIS
Appl. No.: 10/730,606
Appl. Filing Date: 12/08/2003
Examiner: Alvin J. Stewart
Art Unit: 3774
Conf. No.: 4015

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- Please enter and consider the amendment and/or reply previously filed on December 9, 2008.
- Please consider the Affidavit(s)/Declaration(s) previously filed on __ but not considered.
- Please consider the arguments in the Appeal Brief or Reply previously filed on __.
- Other __.

b. Enclosed are:

- Amendment/Reply.
- Affidavit(s)/Declaration(s).
- Information Disclosure Statement.
- Form PTO/SB/08 with copies of __ listed reference(s).
- Other .

Miscellaneous:

- Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of __ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$810.00	<u>\$810.00</u>
Total Claims:	39	-	41 = 0	x \$52.00	<u>\$0.00</u>
Independents	5	-	5 = 0	x \$220.00	<u>\$0.00</u>
First presentation of any Multiple Dependent Claims:			+ \$390.00		<u>\$0.00</u>
				CLAIMS FEE TOTAL:	<u><u>\$810.00</u></u>

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[] Extension for response filed within the first month:	\$130.00	0	\$0.00
[] Extension for response filed within the second month:	\$490.00		<u>\$0.00</u>
[] Extension for response filed within the third month:	\$1,110.00		<u>\$0.00</u>
[] Extension for response filed within the fourth month:	\$1,730.00		<u>\$0.00</u>
[] Extension for response filed within the fifth month:	\$2,350.00		<u>\$0.00</u>
	EXTENSION FEE SUBTOTAL:		<u>\$0.00</u>
	EXTENSION FEE ALREADY PAID:		<u>- \$0.00</u>
	EXTENSION FEE TOTAL		<u>\$0.00</u>
	CLAIMS AND EXTENSION FEE TOTAL:		<u>\$810.00</u>
[X]	Small Entity Fees Apply (subtract ½ of above):		<u>\$405.00</u>
[]	Suspension of action requested under 37 C.F.R. § 1.103(c)		<u>\$0.00</u>
	TOTAL FEE:		<u><u>\$405.00</u></u>

The above-identified fees of \$405.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date December 24, 2008

By /James D. Borchardt/

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 319-7077
Facsimile: (414) 297-4900

James D. Borchardt
Attorney for Applicant
Registration No. 62,025